

**United States District Court
Southern District of New York**

UNITED STATES OF AMERICA) NOTICE OF MOTION
)
)
-v-) 07 Cr 1095
)
ALEXANDER CONCEPCION)

PLEASE TAKE NOTICE, that upon the annexed declaration of Hugh M. Mundy and the accompanying Memorandum of Law, the undersigned will move this Court, before the Honorable Shira A. Scheindlin, United States District Judge for the Southern District of New York, at a time to be designated by the Court, for an order, pursuant to Rules 12 and 41 of the Federal Rules of Criminal Procedure, suppressing any evidence and statements obtained as a result of the unlawful surveillance of Concepcion's cellphone, or granting an evidentiary hearing on this motion, and granting such other further relief as the Court deems just and proper.

Dated: New York, New York
 March 28, 2008

LEONARD F. JOY, ESQ.
Federal Defenders of New York
Attorney for Defendant
ALEXANDER CONCEPCION
52 Duane Street - 10th Floor
New York, New York 10007
Tel.: (212) 417-8764

/s Hugh M. Mundy
HUGH M. MUNDY, ESQ.
Of Counsel

TO: **MICHAEL J. GARCIA, ESQ.**
United States Attorney
Southern District of New York
One. St. Andrew's Plaza
New York, New York 10007
Attn: **JOHN T. ZACH, ESQ.**
Assistant United States Attorney